

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. Of: RYS et al.

Serial No.: 10/524,313

Filed: February 7, 2005

For: COMPOUNDS, COMPOSITIONS AND METHODS...

Examiner: Kyle Purdy Group: 1611

DOCKET: MICRODOSE 09.07 Confirmation No. 6431

Commissioner for Patents
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Alexandria, VA 22313-1450

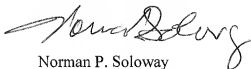
STATUS REQUEST

Dear Sir:

Amendment D with RCE was filed in the above matter on January 25, 2010 (copies enclosed). Please advise as to the status of this application at your earliest convenience.

Thank you in advance for your cooperation in this matter.

Respectfully submitted,



Norman P. Soloway
Attorney for Applicant
Reg. No. 24,315

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this paper is being deposited with the United States Patent Office via the electronic filing procedure on August 25, 2010 at Tucson, Arizona.



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Examiner: PURDY, KYLE A. DOCKET: MICRODOSE 09.07

MAIL STOP RCE
Commissioner for Patents
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AMENDMENT D WITH RCE

Dear Sir:

This Amendment is being filed in lieu of an Appeal Brief. A Request for Continued Examination (RCE) and a Petition for a Three Month Extension of Time accompany this Amendment.

Amendments to the Claims begin on page 2 of this Amendment.

Remarks/Arguments begin on page 9 of this Amendment.

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AMENDMENTS TO THE CLAIMS:

Kindly cancel claims 1, 11, 13-21 and 24-33, without prejudice, and amend claims 2-4, 12, 22 and 23, as shown below.

This listing of claims will replace all prior versions and listings of claims in the Application:

Claim 1 (cancelled).

Claim 2 (currently amended): The pharmaceutical composition A ~~compound~~ according to claim ~~[[1]]~~22, wherein said ~~compound~~ is selected from the group consisting of:

2,2' -[(3-Propylphenyl)methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino]methyl]]phenol];

2,2' -[[[(3-Dimethylamino)phenyl)methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino]methyl]]phenol];

2,2' -[[[(3-(Methylethyl)phenyl)methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino]methyl]]phenol];

2,2' -[(3-Methylphenyl)methylene]bis[4-[[[(5-methyl-1H -tetrazol-1-yl)imino]methyl]]phenol];

2,2' -[(3-Methoxyphenyl)methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino]methyl]]phenol];

2,2' -[[[(3-Ethoxyphenyl)methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino]methyl]]phenol];

2,2' -[(3-Chlorophenyl)methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino]methyl]]phenol];

2,2' -[(3-Bromophenyl)methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)

imino)methyl]]phenol;

2,2' -[[[3-(2-Ethylbutyl)phenyl]methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)

imino)methyl]] phenol;

2,2' -[[[3-Cyclohexyl)phenyl]methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)

imino)methyl]]phenol;

2,2' -[[[3-(Butylphenyl)methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-

yl)imino)methyl]]phenol;

2,2' -[[[3-Fluorophenyl)methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)

imino)methyl]]phenol;

2,2' -[[[3-Pentylphenyl)methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)

imino)methyl]]phenol;

2,2' -[[[3-(1-Methylpropyl)phenyl]methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)

imino)methyl]]phenol;

2,2' -[[[3-(2-Methylpropyl)phenyl]methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-

yl)imino)methyl]]phenol;

2,2' -[[[3-Methoxyethyl)phenyl]methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)

imino)methyl]]phenol;

2,2' -[[[3-Ethylphenyl)methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)

imino)methyl]]phenol;

2,2' -[[[3-Ethyl(methylethyl)amino)phenyl]methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-

yl)imino)methyl]]phenol;

2,2' -[[[3-Ethylpropylamino)phenyl]methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)

imino)methyl]]phenol;

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2,2' -[[[(3-Diethylamino)phenyl)methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino)methyl]]phenol];

2,2'-[[[(3-Butylethylamino)phenyl)methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino)methyl]]phenol];

2,2'-[[[(3-Methylamino)phenyl)methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino)methyl]]phenol];

3-[[Bis[[5-(5-methyl-1H-tetrazol-1-yl)imino)methyl]-2-hydroxyphenyl)methylene]-N,N-diethylbenzenesulfonamide;

2,2' -[[[3-(2-Dimethylaminoethoxy)phenyl)methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino)methyl]] phenol];

N-[[[3-[Bis[[5-(5-methyl-1H-tetrazol-1-yl)imino)methyl]-2-hydroxy]phenyl)methylene]phenyl]-2,2-dimethylpropanamide;

N-[[[3-[Bis[[5-(5-methyl-1H-tetrazol-1-yl)imino)methyl]-2-hydroxy]phenyl)methylene]phenyl]butanesulfonamide;

2,2'-[(3-Nitrophenyl)methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino)methyl]] phenol];

2,2'-[(3-Methylthiophenyl)methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino)methyl]]phenol];

2,2' -[(3-Methylsulfinylphenyl)methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino)methyl]]phenol];

2,2' -[(3-Methylsulfonylphenyl)methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino)methyl]]phenol];

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3-[[Bis [[5-(5-methyl-1H-tetrazol-1-yl)imino]methyl]-2-hydroxyphenyl]methylene]-
N,N-dimethylbenzenesulfonamide;

2,2' -[[[3-(3-Propylaminophenyl)methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)
imino]methyl]]phenol];

2,2' -[[[3-[2-(Diethylaminopropoxy)phenyl]methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-
yl)imino]methyl]] phenol];

N-[[3-[Bis[[5-(5-methyl-1H-tetrazol-1-yl)imino]methyl]-2-
hydroxylphenyl]methylene]phenyl] acetamide;

N-[[3-[Bis[[5-(5-methyl-1H-tetrazol-1-yl)imino]methyl]-2-
hydroxylphenyl]methylene]phenyl]-N-propylacetamide;

N-[[3-[Bis[[5-(5-methyl-1H-tetrazol-1-yl)imino]methyl]-2-
hydroxylphenyl]methylene]phenyl]-N-(methylethyl)acetamide;

N-[[3-[Bis[[5-(5-methyl-1H-tetrazol-1-yl)imino]methyl]-2-
hydroxylphenyl]methylene]phenyl]-3-methyl-N-propylbutanamide;

N-[[3-[Bis[[5-(5-methyl-1H-tetrazol-1-yl)imino]methyl]-2-
hydroxylphenyl]methylene]phenyl]-3-metyl-N-(methylethyl)butanamide;

N-[[3-[Bis[[5-(5-methyl-1H-tetrazol-1-yl)imino]methyl]-2-
hydroxylphenyl]methylene]phenyl]-3-methyl-N-methylbutanamide;

N-[[3-[Bis[[5-(5-methyl-1H-tetrazol-1-yl)imino]methyl]-2-
hydroxylphenyl]methylene]phenyl]-N-ethylacetamide;

N-[[3-[Bis[[5-(5-methyl-1H-tetrazol-1-yl)imino]methyl]-2-
hydroxylphenyl]methylene]phenyl]propane sulfonamide; and

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2,2' -[[[3-Methyl(methylethyl)aminophenyl]methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino]methyl]]]phenol.

Claim 3 (currently amended): The pharmaceutical composition The compound according to claim [1] 22, wherein said compound is selected from the group consisting of:

2,2'-[(3-Propylphenyl)methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino]methyl]]]phenol,

2,2'-[[[(3-Dimethylamino)phenyl]methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino]methyl]]]phenol,

2,2' -[[[3-(Methylethyl)phenyl]methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino]methyl]]]phenol,

2,2' -[[[3-Methoxyethyl]phenyl]methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino]methyl]]]phenol,

2,2' -[[[3-Ethyl(methylethyl)amino]phenyl]methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino]methyl]]]phenol, and

2,2'-[[[(3-Diethylamino)phenyl]methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino]methyl]]]phenol.

Claim 4 (currently amended): The pharmaceutical composition The compound according to claim [1] 22, wherein the compound is having the name 2,2'-[(3-Propylphenyl)methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino]methyl]]]phenol.

Claim 5 (currently amended): The compound pharmaceutical composition according to claim 1 having the name 22, wherein the compound is 2,2'-[[[(3-Dimethylamino)phenyl]methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino]methyl]]]phenol.

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Claim 6 (currently amended): The compound pharmaceutical composition according to claim 1 ~~having the name 22~~, when the compound is 2,2'-[[3-(Methyl)phenyl]methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino]methyl]]phenol.

Claim 7 (currently amended): The compound pharmaceutical composition according to claim 1 ~~having the name 22~~, when the compound is 2,2'-[[[(3-Methoxyethyl)phenyl]methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino]methyl]]phenol.

Claim 8 (currently amended): The compound pharmaceutical composition according to claim 1 ~~having the name 22~~, when the compound is 2,2'-[[[3-Ethyl(methylethyl)amino]phenyl]methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino]methyl]]phenol.

Claim 9 (currently amended): The compound pharmaceutical composition according to claim 1 ~~having the name 22~~, when the compound is 2,2'-[[[(3-Diethylamino)phenyl]methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino]methyl]]phenol.

Claim 10 (currently amended): The compound pharmaceutical composition according to claim 1 ~~having the name 22~~, when the compound is 2,2'-[[[(3-Ethylpropylamino)phenyl]methylene]bis[4-[[[(5-methyl-1H-tetrazol-1-yl)imino]methyl]]phenol.

Claim 11 (cancelled).

Claim 12 (currently amended): [[A]]The pharmaceutical composition according to claim [[1]]22, further comprising at least one supplemental active agent selected from the group consisting of interferons an interferon, ribavirin [[and]] an immunomodulator[[s]], an immunoglobulin[[s]], an anti-inflammatory agent[[s]], an antibiotic[[s]], an anti-viral[[s]] and

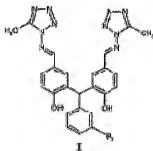
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an anti-infective[[s]].

Claims 13-21 (cancelled).

Claim 22 (currently amended): A pharmaceutical composition ~~according to claim 13~~ for treating pneumovirus infection comprising a compound having the formula:



wherein:

R₁ represents a radical selected from the group consisting of alkoxy, alkoxyalkyl, halogen, nitro, carboxy, carboxyalkyl, carbalkoxy, carbalkoxyalkyl, carboxamide, carboxamidoalkyl, alkyl, cycloalkyl, alkylthio, alkylsulfinyl, alkylsulfonyl, sulfonamide, amidino, cyano, amino, amido, alkylamino, dialkylamino, alkylaminoalkyl, and alkoxy monosubstituted with a substituent selected from the group consisting of carboxy, amino, alkylamino and dialkylamino; and pharmaceutically acceptable salts of said compound[[.]] in an amount effective to attenuate infectivity of said virus, and a pharmaceutically effective carrier medium, wherein said pharmaceutical composition carrier medium comprises about 85% ethanol, about 10% propylene glycol and about 5% water.

Claim 23 (currently amended): [[A]]The pharmaceutical composition according to claim [[21]]22, wherein said pharmaceutical composition comprises less than 5% water.

Claims 24-35 (cancelled).

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REMARKS

This Amendment with RCE is being filed in lieu of an Appeal Brief.

Claim 22, which has been indicated to be allowable over the art, has been rewritten in independent form, and independent claim 1 has been cancelled. The several claims dependent on claim 1 have been amended to depend on claim 22.

The several non-elected claims 24-33 and also intervening claims 11 and 13-22 have been cancelled.

With the amendment of claim 22 to independent form, and cancellation of the several claims above mentioned, it is believed the Application is now in order for allowance, and no discussion of the art rejection is necessary.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

RCE and extension fees are being paid via EFS WEB in the amount of \$1,920.00.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



Norman P. Soloway
Attorney for Applicant
Reg. No. 24,315

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Request For Continued Examination (RCE) Transmittal

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Alexandria, VA 22313-1450

Application Number	10/524,313
Filing Date	February 7, 2005
First Named Inventor	RYS
Art Unit	1611
Examiner Name	PURDY, KYLE A.
Attorney Docket Number	MICRODOSE 09.07

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
 - ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - ☐ Other _____
 - ☐ Enclosed
 - ☒ Amendment/Reply
 - ☐ Affidavit(s)/Declaration(s)
 - ☐ Information Disclosure Statement (IDS)
 - ☐ Other _____
- Miscellaneous**
 - ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
 - ☐ Other _____
- Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
 - ☐ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments to Deposit Account No. 08-1391.
 - ☐ RCE fee required under 37 CFR 1.17(e)
 - ☐ Extension of time fee (37 CFR 1.136 and 1.17)
 - ☐ Other _____
 - ☐ Check in the amount of \$ _____ enclosed
 - ☒ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Norman P. Soloway</i>	Date	1/25/10
Name (Print/Type)	Norman P. Soloway	Registration No.	24,315

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<i>Patricia Sorensen</i>
Name (Print/Type)	Patricia Sorensen
Date	1/25/10

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)
(Large Entity)

Docket No.
MICRODOSE 09.07

In Re Application Of: **RYS et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/524,313	Feb. 7, 2005	PURDY, KYLE A.	27667	1611	6431

Invention: **COMPOUNDS, COMPOSITIONS AND METHODS FOR...**

COMMISSIONER FOR PATENTS:

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of February 26, 2009 in the above-identified application.
Date

The requested extension is as follows (check time period desired):

☐ One month ☐ Two months ☒ Three months ☐ Four months ☐ Five months

from: October 25, 2009 until: January 25, 2010
Date Date

The fee for the extension of time is **\$1,110** and is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **08-1391**
☐ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **08-1391**
☐ Payment by credit card. Form PTO-2038 is attached.

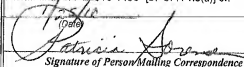
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FAX: 520-882-7643

Dated: 1/25/10

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Patricia Sorensen

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